

EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

James J. Tamulski (State Bar #64880)

Jared A. Washkowitz (State Bar #226211)

49 Stevenson Street, Suite 400

San Francisco, CA 94105

Telephone: (415) 227-9455

Facsimile: (415) 227-4255

E-Mail: jtamulski@edptlaw.com

jwashkowitz@edptlaw.com

Attorneys for Defendant

J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID MOTON,

Plaintiff,

vs.

HANJIN SHIPPING; J.P. SAMARTZIS
MARITIME ENTERPRISES CO., S.A.

Defendants.

Case No.: 07-01483-SI

**STIPULATION TO EXTEND
DEADLINE TO COMPLETE
DISCOVERY; [PROPOSED] ORDER**

1ST Am. Complaint Filed: May 7, 2007

Case Mgmt. Conf.: September 22, 2008

Trial: March 2, 2009

Plaintiff DAVID MOTON (herein "Plaintiff") and Defendant J.P. SAMARTZIS
MARITIME ENTERPRISES CO., S.A. (herein "Defendant") (collectively "the Parties") hereby
stipulate as follows:

1. Plaintiff alleges that he was injured on September 10, 2004 during unloading of
the vessel M/V HANJIN KAOHSIUNG in the Port of Oakland at Berth 56. Plaintiff was
employed as a foreman by the terminal operator, Marine Terminals Corporation ("MTC").
Defendant was the operator/manager of the vessel at the time of the accident. The vessel was
time chartered by Hanjin Shipping. Hanjin is no longer a party to this action.

2. Plaintiff's First Amended Complaint was filed on May 7, 2007.

- 1 -

STIPULATION TO EXTEND DISCOVERY CUTOFF; [PROPOSED] ORDER

Case No.: 07-01483-SI

F:\Moton David~2554 3rd party\Pleading\Stip Disc CutOff-from Defense Counsel.doc

3. Defendant first appeared in this action by filing an Answer on February 19, 2008.

4. On March 31, 2008 this Court issued a Case Management Order whereby the Parties were ordered to complete discovery by **October 3, 2008**.

5. A further case management conference is set for September 22, 2008.

6. Trial is set for March 2, 2009.

7. The Parties have conducted written discovery, and Defendant has taken the depositions of Plaintiff and several witnesses. The Parties anticipate that further written discovery and witness depositions will need to be conducted. The Parties are attempting to complete this discovery in September, but due to scheduling concerns of counsel and witnesses, it may not be feasible to do this.

8. In addition, the Parties are coordinating an IME of Plaintiff with Dr. Lesley Anderson of San Francisco. The Parties could not begin scheduling the IME earlier because the deposition of Plaintiff was only completed within the last two weeks. The earliest date that Dr. Anderson is available for the IME is October 21, 2008. The Parties therefore will not be able to complete the IME prior to the discovery cutoff date as presently set.

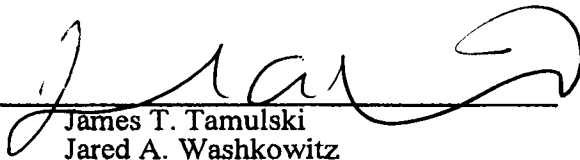
9. Due to the above issues, the Parties anticipate that they will not be able to complete discovery until October 31, 2008. A discovery cutoff date of October 31, 2008 would also nicely coincide with the deadline for the Parties to complete mediation, which was recently extended until October 31, 2008.

10. Accordingly the Parties respectfully submit that good cause exists to extend the discovery cutoff, and request that the Court enter an Order approving this stipulation and extending the date for the Parties to complete discovery until **October 31, 2008**.

11. Extending the date for the Parties to complete discovery will not impact any other deadline set by the Court in this case.

1 DATED: September 8, 2008 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

2
3 By


James T. Tamulski
Jared A. Washkowitz

Attorneys for Defendant

J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

4
5
6
7 DATED: September 8, 2008 BIRNBERG & ASSOCIATES

8
9 By


Cory A. Birnberg
Attorneys for Plaintiff DAVID MOTON

10
11
12 **[PROPOSED] ORDER**

13 The above Stipulation is approved. The Parties shall complete discovery by **October 31,**

14
15 **2008.**

16 Dated: 9/15/08

Wm. Alsup for

17 HON. SUSAN ILLSTON